

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 FERRILL J. VOLPICELLI,

4 Plaintiff,

5 v.

6 STATE OF NEVADA, et al.,

7 Defendants.

Case No.: 3:22-cv-00281-ART-CSD

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ORDER

On June 22, 2022, pro se plaintiff Ferrill J. Volpicelli, an inmate in the custody of the Nevada Department of Corrections, submitted a petition for declaratory judgment under 28 U.S.C. § 2202. (ECF No. 1-1). In February 2023, Plaintiff filed a motion for status check. (ECF No. 3). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*. (See ECF No. 1).

I. MOTION FOR STATUS CHECK

The Court grants Plaintiff's motion for status check. (ECF No. 3). As explained in this order, Plaintiff has neither paid the full filing fee for this case nor submitted a fully complete application to proceed *in forma pauperis* in this case.

II. IN FORMA PAUPERIS APPLICATION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail

1 official; and (3) a copy of the **inmate's prison or jail trust fund account statement for**
2 **the previous six-month period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR
3 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the
4 filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C.
5 § 1915(b).

6 As explained above, Plaintiff has neither paid the full filing fee nor applied to
7 proceed *in forma pauperis*. The Court gives Plaintiff **until August 18, 2023**, to either pay
8 the filing fee or submit an application to proceed *in forma pauperis*.

9 **III. CONCLUSION**

10 It is therefore ordered the motion for status check (ECF No. 3) is granted.

11 It is further ordered that Plaintiff has **until August 18, 2023**, to either pay the full
12 \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all
13 three required documents: (1) a completed application with the inmate's two signatures
14 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
15 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
16 previous six-month period.

17 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
18 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
19 to refile the case with the Court, under a new case number, when Plaintiff can file a
20 complete application to proceed *in forma pauperis* or pay the required filing fee.

21 The Clerk of the Court is directed to send Plaintiff the approved form application to
22 proceed *in forma pauperis* for an inmate and instructions for the same and retain the
23 petition for declaratory judgment (ECF No. 1-1) but not file it at this time.

25 DATED THIS 21st day of June 2023.

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UNITED STATES MAGISTRATE JUDGE